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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JIMMY DAVID WASHINGTON, JR.,

and

DEMECIA SHONTRES WASHINGTON,

Defendant.

Case No: 2:18-mj-798-PAL

Stipulation to Continue the
Preliminary Hearing
(*Second Request*)

IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States Attorney, counsel for the United States of America, and KATHRYN NEWMAN, counsel for Defendant JIMMY DAVID WASHINGTON, JR., and SHAWN PEREZ, counsel for Defendant DEMECIA SHONTRES WASHINGTON, that the preliminary hearing date in the above-captioned matter, currently scheduled for November 19, 2018, at 4:00 pm,

1 be vacated and continued for fourteen days (14) days, to a date and time to be set by this
2 Honorable Court, preferably on a Thursday or Friday.

3 This stipulation is entered into for the following reasons:

- 4 1. Defense counsel need additional time to investigate and advise their clients
5 regarding pre-indictment resolution. In the event that the matter does not resolve,
6 Government Counsel requires additional time to present the case to the federal
7 grand jury.
- 8 2. The parties agree to the continuance.
- 9 3. Defendants are incarcerated but do not object to the continuance.
- 10 4. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice.
- 12 5. The additional time requested herein is not sought for purposes of delay, but to
13 allow for pre-indictment investigation, or alternatively time to present the case to
14 the Grand Jury.
- 15 6. The additional time requested by this stipulation, is allowed, with the defendant's
16 consent under the Federal Rules of Procedure 5.1(d).
- 17 7. This is the second request for a continuation of the preliminary hearing.

18 DATED this 9th day of November, 2018.

19 Respectfully submitted,
20 DAYLE ELIESON
United States Attorney

21 //s//
22 KATHRYN NEWMAN, ESQ.
23 SHAWN PEREZ, ESQ.
Counsel for Defendants

21 //s//
22 ELHAM ROOHANI
23 CHRISTOPHER BURTON
Assistant United States Attorneys

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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and

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Defendant.

Case No: 2:18-mj-798-PAL

ORDER

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel need additional time to investigate and advise their clients regarding pre-indictment resolution. In the event that the matter does not resolve, Government Counsel requires additional time to present the case to the federal

grand jury.

2. The parties agree to the continuance.

3. Defendants are incarcerated but do not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for pre-indictment investigation, or alternatively time to present the case to the Grand Jury.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the second request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

1 **ORDER**

2 IT IS THEREFORE ORDERED that the preliminary hearing currently
3 scheduled for November 19, 2018, at the hour of 4:00 pm, be vacated and continued to
4 December 6, 2018 at the hour of 4:00 pm.

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6 DATED this 14th day of November, 2018.

7 
8 THE HONORABLE PEGGY A. LEEN
9 UNITED STATES MAGISTRATE JUDGE
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